

Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Office Action dated 6/18/2004 the Examiner rejected all of the pending claims 1-20. The Office Action and the references cited therein have been carefully considered and the above amendment is presented in an effort to advance prosecution of the application.

The Examiner rejected claims 1-20 under 35 USC 102 as anticipated by US Patent 5,454,758 (Tophinke et al) and under 35 USC 103 as being unpatentable over US Patent 6,296,566 (Tanis et al) in view of US Patent 4,422,463 (West).

Applicant has amended claim 1, 9 and 16, for example, to more specifically claim that the infeed element 42 and the crop processing element 122 "are helically orientated and are helically aligned on the frusto-conical portion" of the rotor. Claims 1, 9 and 16 have also been amended to specify that the crop processing element 122 has a "crop engaging portion (126) that is parallel to the axis of rotation." Support for these limitations is found in Figure 2, and is described in the Specification as originally filed, for example.

The rotor of Claim 1 as now amended, for example, is not taught or suggested in the cited references, either singly or in combination. Specifically, there is no teaching or suggestion in US 5,454,758 (Tophinke) of a crop processing element (see Examiner identified helical element 20 in Figure 2) having a crop engaging surface that is parallel to the axis of rotation. Furthermore, in Tophinke, the crop processing element 20 on the rotor is for separation, and not for threshing. Threshing is performed by threshing drum 4. Thus, none of the currently pending claims 1-11 and 13-20, as now amended, is believed to be anticipated by teaching or suggestions of Tophinke.

Applicant agrees with the Examiner that US 6,296,566 (Tanis) does not disclose a crop processing element on the frusto-conical portion 62 of the rotor. Applicant further contends that the crop processing elements 70 (ramp blades) of US 4,422,463 (West), as seen in Figures 2, 3 and 4, are not on the frusto-conical section 50 of the rotor. Rather the ramp blades 70 are mounted on the rotor body cylindrical portion 52 (see column 5, lines 2-4 and Figure 4).

Furthermore, the crop processing elements (ramp blades 70) of West do not

have a crop engaging surface that is parallel to the axis of rotation. Rather, the ramp blades 70 of West extend radially. Combining the disclosure or suggestions of Tanis and West does not render claim 1 obvious. Thus, none of the currently pending claims 1-11 and 13-20, as now amended, is believed to be unpatentable over Tanis in view of the teachings or suggestions of West.

Claim 13 has been canceled as suggested by the Examiner.

It is therefore believed that all the rejections of the claims under 35 USC 102 and 103 should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,


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